IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO: 8562 of 2005

Between:

R.Samba Reddy, S/o. Lachaiah,
Chennaraopet V & M, Warangal District.

... PETITIONER

AND

1 The Krishak Bharathi Co-Op Ltd., A-8-10, Sector-I, Noida,
rep. by its Chief Executive , Goutham Buddha Nagar.

2 The Area Manager and Election Officer, Krishak Bharathi Co-Op Ltd.,
H.No.2-608-A/2, Ram Nagar, Opp: Head Post Office Hanamkonda,
Warangal District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the Instruction No:4 of Appendix-E in Instruction No.2 prescribing the eligibility to contest the election of delegates i.e., Elected Member representing the Member Society alone eligible to contest the elections of delegates of VI Representatives General Body of "Kribhco" from Constituency No:4, Warangal to be held on 21-04-2005 as illegal and arbitrary and contrary to Multi-State Co-Operative Societies Act, 2002 and Rules made there under and consequently permit the petitioner to contest the election of delegates IV representatives General Body of Kribhco from Constituency No:4 Warangal.

Counsel for the Petitioner: MR. A. PRABHAKAR RAO, Advocate

Counsel for the Respondents: -------

The Court, at the stage of admission, made the following:

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ORDER: -

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This writ petition is filed seeking *mandamus* declaring Instruction No.4 of Appendix – E in Instruction No.2 prescribing the eligibility to contest the election of delegates, i.e., Elected Member representing the Member Society alone eligible to contest the elections of delegates of VI Representsatives General Body of "KRIBHCO", from Constituency No.4, Warangal to be held on 21-04-2005, as illegal and arbitrary.

2. When the matter is taken up for admission, it is submitted by the learned Counsel for the petitioner that the said election is scheduled to be held today i.e., 21-04-2005; therefore, no purpose would be served in that regard.

3. Accordingly, the writ petition is dismissed as *infructuous*. No order as to costs.

However, the petitioner is at liberty to assail the correctness of the said election, if he is so aggrieved, before an appropriate forum, in accordance with law.

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ELIPE DHARMA RAO, J

Dt.21-04-2005

Glv

ASSISTANT REGISTRAR

Copy to:

1. The Chief Executive,
Krishak Bharathi Co-Op Ltd., A-8-10, Sector-I, Noida,
Goutham Buddha Nagar.

2. The Area Manager and Election Officer,
Krishak Bharathi Co-Op Ltd.,
H.No.2-608-A/2, Ram Nagar,
Opp: Head Post Office Hanamkonda,
Warangal District.

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